

FCC MAIL SECTION

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Federal Communications Commission

DA 96-1586

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

Amendment of Section 73.606(b),
Table of Allotments,
Television Broadcast Stations.
(Woodward, Oklahoma)

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MM Docket No. 96-44
RM-8745

REPORT AND ORDER
(Proceeding Terminated)

Adopted: September 20, 1996

Released: September 27, 1996

By the Chief, Allocations Branch:

1. At the request of Channel 35 Broadcasters ("petitioner"), the Commission has before it the Notice of Proposed Rule Making, 11 FCC Rcd 3008 (1996), proposing the allotment of Channel 35 to Woodward, Oklahoma, as the community's second local and first commercial television service. Petitioner filed comments reiterating its intention to apply for the channel, if allotted. No other comments were received.

2. Channel 35 can be allotted to Woodward in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction.¹ Woodward is located outside of the areas surrounding the top 30 television markets for which the Commission had imposed a temporary freeze on new television allotments. Therefore, the allotment at Woodward is not affected by that action. See Notice of Inquiry, 2 FCC Rcd 2125 (1987) and Order, 52 FR 28346, July 29, 1987.

3. Upon adoption of the Sixth Further Notice of Proposed Rule Making in the digital television ("DTV") proceeding ("Sixth Further Notice"), the Commission stated that it would no longer accept petitions for rule making proposing to amend the TV Table of Allotments to add an allotment for a new NTSC station after July 25, 1996.² The Commission further stated that pending petitions and open allocation rule making proceedings as of that date would be considered

"on a case-by-case basis taking into account the impact on the draft DTV table. For those pending cases in which a new NTSC channel is allotted, we will make an exception to our decision to cease accepting applications for new NTSC

¹ The coordinates for Channel 35 at Woodward are 36-26-12 North Latitude and 99-23-26 West Longitude.

² Sixth Further Notice of Proposed Rule Making in MM Docket No. 87-268, released August 14, 1996 (FCC 96-317).

stations, and the accompanying allotment Report and Order will specify the period of time for filing applications." (Emphasis supplied).

We have determined that a Channel 35 allotment at Woodward, Oklahoma, will have no impact on the draft DTV allotment table.

4. We are establishing a 30-day deadline, beginning on the effective date of this proceeding, for the filing of an initial application for television facilities for Channel 35 at Woodward, Oklahoma. If an application for a new station is filed within this time period, we will continue our normal process, as provided in the Sixth Further Notice, of issuing a Public Notice (cut-off list) that establishes an additional time period for the filing of competing, mutually-exclusive applications. If no acceptable application is filed by December 13, 1996, there will be no additional opportunity to file applications for this channel allotment.

5. We believe the public interest would be served by allotting Channel 35 to Woodward, Oklahoma, since an interest has been expressed in providing the community with its first local commercial television service. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED, That effective November 12, 1996, the TV Table of Allotments, Section 73.606(b) of the Commission's Rules, IS AMENDED, with respect to the community listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>
Woodward, Oklahoma	*17-, 35+

6. The period for filing applications for Channel 35 at Woodward, Oklahoma, will open on November 12, 1996. If no acceptable applications are filed by December 13, 1996, there will be no additional opportunity to file applications for this channel allotment.

7. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

8. For further information concerning this proceeding, contact Leslie K. Shapiro, Mass Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau